REMARKS

Claims 12-30 are pending. Claims 12-30 have been rejected. Reconsideration and withdrawal of the rejections set forth in the Office Action dated September 25, 2007 are respectfully requested.

35 U.S.C. § 103 Rejections

The Examiner has rejected claims 12, 14-16, 19, 20, 26, 27 and 28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,614,126 to Carlson in view of U.S. Patent No. 3,501,167 to Palowsky.

Claims 17, 18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of Palowsky as applied to claims 12 and 19 above, and further in view of U.S. Patent No. 2,155,130 to Hanel.

Claims 23-25, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of Palowsky as applied to claim 12 above, and further in view of U.S. Patent No. 4,588,206 to Powers.

Within the Office Action, Claims 12, 14-16, 19, 20, 26, 27, and 28 have been rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 3,614,126 to Carlson (hereinafter "Carlson") in view of U.S. Patent No. 3,501,167 to Palowsky (hereinafter "Palowsky"); Claims 17, 18, 21, and 22 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Carlson in view of Palowsky as applied to claims 12 and 19, and further in view of U.S. Patent No. 2,155,130 to Hanel (hereinafter "Hanel"); and claims 23-25, 29, and 30 have been rejected under 35 U.S.C. § 103(a) as being anticipated by Carlson in view of Palowsky as applied to claim 12, and further in view of U.S. Patent No. 4,588,206 to Powers (hereinafter "Powers"). The applicant respectfully disagrees with these rejections.

References Teach Away from the Claims

According to MPEP § 2141.02, Part VI, ("Prior Art Must Be Considered In Its Entirety, Including Disclosures That Teach Away From The Claims"), a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W. L. Gore & Associate, Inc. v. Garlock, Inc.*, 721 F. 2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)

The present invention discloses a braking buffer and a turning balance device for a motorcar. The braking buffer device comprises a guiding axis and a weighty drum circumferentially surrounding a portion of the guiding axis such that said weighty drum is capable of moving along said guiding axis. It may be fixed longitudinally along the motorcar. The turning enhancement device comprises a guiding axis and a weighty drum circumferentially surrounding a portion of the guiding axis such that said weighty drum is capable of moving along said guiding axis. It may be fixed transversely along the rear of the motorcar.

U.S. Patent No. 3,614,126 to Carlson

Carlson teaches away from the claimed invention. Carlson teaches that a mass free to slide along a single axis, for example, by mounting a weight so that it is free to slide along a rod extending transversely between the rear wheels is *entirely ineffective for stabilizing the vehicle except with regard to the forces exerted along the axis in which it is free to move*. [Carlson, col. 1, lines 36-47] Carlson further teaches that stabilizing devices in which a weight is mounted for movement in slots vertically and laterally is *severely limited* with regard to external force vectors for which stabilization can be provided by the mass. [Carlson, col. 1, lines 48-54] Consequently, Carlson teaches a resiliently mounted mass provided with a means that serves to compensate for pitch, roll, and yaw of the vehicle *to overcome the above deficiencies* of a mass sliding along a rod. [Carlson, col. 1, lines 55-59]

On page 3 in the September 25, 2007 Office Action, the Examiner apparently referred to weight elements 63/65 in Carlson stating that the weight elements or drums are movable along an axis parallel to the front to rear axis of the vehicle, and that the drum will move toward the front of the motorcar when brakes of the motorcar are engaged while the motorcar is in motion, and the drum returns to the predefined resting position after the motorcar slows down or comes to a stop; the recovery device biases the drum to the predefined resting position. While the drums are biased to a predefined resting position, the Examiner is mistaken in stating that Carlson's drums only move along an axis parallel to the front to rear axis of the vehicle.

First, Carlson's patent discloses an apparatus consisting of one or more masses adapted to be disposed upon the vehicle so that *substantially universal pivotal movement of the center of gravity of the mass about a point may be realized* as the vehicle is subjected to such transient forces. [Carlson, Abstract] Thus, the embodiments described within the Carlson patent encompass this feature and necessarily move in a direction beyond a single axis.

Second, the Examiner refers to the embodiment of Carlson's invention shown in FIGS. 8-10 and described in col. 4, lines 7-48, which uses drums 63 and 65. Carlson states that the mass members 63 and 65 are supported on top of spring support means 61 and 68, where a suitable aperture extending downwardly form the interior of mass members 63 and 65 may take the form of the graduated opening shown in FIG.7. [Carlson, col. 4, lines 24-30] Note that the drums 63 and 65 are supported by spring support means 61 and 68. Spring support implies that the support is flexible and capable of bending and then returning to a resting position, not just acting like a stiff pendulum. In fact, Carlson states that the spring support material is capable of resilient deformation and assumes a generally S-shaped configuration, and the deformation is shown in FIG. 7. [Carlson, col. 3, lines 50-59] Further, as shown in FIG. 10 in Carlson, the arrow above the mass members 63 and 65 shows that the mass members move in a direction substantially laterally to the longitudinal direction of the stabilizer 55.

Carlson teaches away from a weighty drum circumferentially surrounding a portion of a guiding axis equal to a length of said weighty drum such that *said weighty drum is capable of moving along said guiding axis*. Thus, the rejection of claims 12-30 based upon the Carlson reference should be withdrawn.

U.S. Patent No. 3,501,167 to Palowsky

Palowsky teaches away from the claimed invention. Palowsky teaches that stabilizers including a housing mounted parallel to the rear axle of the vehicle and containing a mass of inertia freely slidable therein but biased toward the medial portion of the housing by a spring positioned at each end of the mass *have disadvantages*. First, a relatively large heavy weight is required to counteract fishtailing. Second, *the stabilizer offers little or no counteraction to the front to rear pitching movements of the vehicle* which often accompanies fishtailing. [Palowsky, col. 1, lines 24-44]

Palowsky teaches a stabilizer comprising a cylindrical housing mounted in a substantially horizontal position on the rear end portion of the vehicle and parallel to the rear axle thereof. [Palowsky, col. 1, lines 45-50] Palowsky further teaches that by forming a void in the upper portion of the weight, the center of gravity of the inertial mass becomes located below the longitudinal axis of the shaft. Thus, *the inertia of the mass is correspondingly displaced from the longitudinal axis of shaft 7 about which the weight 8 oscillates*, whereby the moment of inertia of the weight counteracts the front-to-rear pitching movement of the vehicle. [Palowsky, col. 2, lines 44-51]

In stark contrast, the present invention teaches *a weighty drum circumferentially surrounding a portion of a guiding axis* equal to a length of said weighty drum such that said weighty drum is capable of moving along said guiding axis. Unlike the oscillatory motion produced in Palowsky's device, the inertia of the weighty drum is not displaced from the guiding axis.

Because Palowsky teaches away from a weighty drum circumferentially surrounding a portion of a guiding axis equal to a length of said weighty drum such that said weighty drum is capable of moving along said guiding axis, the rejection of claims 12-30 should be withdrawn.

Declaration of Commercial Success

Commercial success abroad, as well as in the United States, is relevant in resolving the issue of nonobviousness. *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984).

One embodiment of the present invention claims a Braking Buffer and Turning Enhancement Device having a left braking buffer device, a right braking buffer device, and a rear turning enhancement balance device, where each device comprises a guiding axis and a weighty drum circumferentially surrounding a portion of the guiding axis such that said weighty drum is capable of moving along said guiding axis.

In support of the patentability of the above embodiment of the invention claimed in the present patent application, we submit the attached Declaration of Commercial Success. Attached as Exhibit 1 to the Declaration of Commercial Success is a catalog describing the device sold to the customers. Exhibit 2 is a copy of the sales record for the device.

From December 25, 2004 to October 30, 2007, 43 units of the device have been sold to customers for installation on vehicles, including fire engines, ambulances, and tourist buses. In fact, the Fire Bureau of Hsinchu City, Taiwan has introduced the Braking Buffer and Turning Enhancement Device as standard equipment on the fire engines and ambulances in the city.

The 43 units have generated revenue of over 6,450,000 Taiwan dollars, and the sales of the units are a direct result of the present invention. The device has been sold primarily in Taiwan and has captured 100% of the braking buffer and turning enhancement device market in Taiwan.

Thus, the rejection of claims 28-30 for obviousness under 35 U.S.C. 103 should be withdrawn.

CONCLUSION

In light of the amendments and the preceding arguments, the applicant respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance.

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at (650) 838-4353 to arrange for such a conference.

No fees are believed to be due, however, the Commissioner is authorized to charge any underpayment in fees to Deposit Account No. 50-2207.

Respectfully submitted,

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